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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,478	11/02/2000	Klaus Hofrichter	20381-17 (50P3907)	6825
28960	7590	08/10/2005	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			PWU, JEFFREY C	
			ART UNIT	PAPER NUMBER

2143

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,478

Applicant(s)

HOFRICHTER ET AL.

Examiner

Jeffrey C. Pwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz (U.S. 6,505,243) in view of Messaros et al (U.S. 5,594,663).

Lortz teaches a system and process of identifying and managing support service applications associated with consumer electronic devices, the process for execution by a gateway device communicatively coupled with each of the electronic devices via a home network, the gateway device being operative to access the Internet and being communicatively coupled with a display unit [Lortz -- Figures 1 and 2 and Abstract], comprising the steps of: determining device ID information associated with a selected one of the electronic devices for which a support service application is required [Lortz -- Col. 6 lines 59-60 - Each device connected to the network contains a device ID, uniquely identifying itself from the other devices; and providing said device ID information to a selected server computing system via the Internet [Lortz -- Col. 6 lines 57-61 - Configuring device, i.e. gateway computer, accesses Internet to obtain device information which inherently requires that the device ID be used as identification of the

device to the server being accessed to obtain the proper information]. In addition, Lortz teaches that the gateway device, i.e. PC, controls and configures other devices on the home network, i.e. a VCR [Lortz -- Col. 2 lines 65-66 and Col. 3 lines 63-67 - PC, which has access to Internet, i.e. gateway device, is responsible for configuring devices on the home network]. Lortz fails to teach downloading and executing an interactive service support application from the server and said interactive support service application comprises a diagnostic application including instructions executable by said selected device to automatically determine a current functional state of said selected device and determine diagnostic information based on said current functional state of said selected device, said diagnostic information indicative a problem associated with said selected device. Messaros, however, teaches a customer support system which downloads and executes an interactive service application from an Internet server for a specific device, and the interactive support service application comprises a diagnostic application [col.2, lines 4-28; col.3, line 48-65] including instructions executable by said selected device to automatically determine a current functional state of said selected device and determine diagnostic information based on said current functional state of said selected device, said diagnostic information indicative a problem associated with said selected device.

["Upon identification of a selected piece of information, the software application communicates with the computer 5 and accesses Definition Files 220 to define the commands required to obtain the desired information from the instrument" also see col.3, line 48-col.4, line 13]. Both Lortz and Messaros are directed towards providing on-line support services for networked devices. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to incorporate the downloading and execution of support service applications, as taught by Messaros into the invention of Lortz, in order to reduce the number of after service requests, increase quality of service to customer and to provide the most up to date support information.

Lortz- Messaros further teach the invention substantially as claimed wherein said interactive support service process comprises a remote interactive manual providing educational instructions to a home network system user regarding operation of said selected device [Lortz Col. 4 lines 58-64 - Installation, configuration, and customized help data is provided to the user to educate them on the operation, installation and configuration of the device].

Lortz- Messaros further teach the invention substantially as claimed, wherein said interactive support service process comprises a remote interactive maintenance process for instructing a home network system user in solving maintenance problems associated with said selected device [Lortz Col. 4 lines 58-64]

Lortz- Messaros further teach the invention substantially as claimed, including, communicating with said selected device to determine a current functional state and displaying the information indicative of the current functional state of the device to the user [Lortz - Col. 4 lines 50-51 and Col. 5 lines 58-62 - Current functional state, i.e.

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operative status, is communicated between the device and displayed on the configuration PC, i.e. gateway device].

Lortz- Messaros further teach the invention substantially as claimed, including determining user instructional information based on said current functional state of said selected device, said instructional information for providing instructions to the user for operating said selected device [Messaros – col 2, lines 18-27]; and displaying said user instructional information on the display unit [“a graphical user interface 20 is generated on the screen display 9. The graphical user interface 20 includes an instrument schematic window 21 which resembles the instrument 10, an instrument variables window 22 for identifying instrument variables and their associated values, a memo pad window 23 for identifying selected instrument variables for continuous display”; col.3, lines 5-19].

Lortz- Messaros further teach the invention substantially as claimed, including, forming a uniform resource locator (URL) based on said device identification information [Lortz - Col. 6 lines 59-60 - Device ID helps identify the remote location] and accessing said server via the Internet using the URL [Lortz -- Col. 6 lines 62-67 - Col. 7 lines 1-5 - Link, i.e. URL, containing some aspect of the device ID, is used to access and retrieve information from server over the Internet].

Lortz- Messaros also teach the invention substantially as claimed, including, generating and displaying a help menu enabling a user of the gateway device to select from a list of

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help topics associated with operation of the selected device [Messaros - col. 2, lines 20-28; col.3, lines 5-15]; receiving user input indicative of a selected help topic; providing information indicative of said selected help topic to the server computing system; and downloading a document from the server computing system, said documents providing information associated with said selected device under said selected help topic [Messaros - col. 2, lines 20-28; col.3, lines 5-15].

Lortz-Messaros further teach the invention substantially as claimed, including, providing information indicative of said current functional state to the server computing system for the purpose of accessing a selected document based on said current functional state; and downloading a document from the server computing system, said document providing instructional information about the selected device taking into account said current functional state [Messaros – method steps of fig.2, 210-240].

Response to Arguments

3. Applicant's arguments with respect to claims 1-52 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



8/5/05

JEFFREY PWU
PRIMARY EXAMINER